

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HOSLY PHILESTON

v.

MICHELE JANNETTY

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Civil No. CCB-18-1775

MEMORANDUM AND ORDER

Hosly Phileston, representing himself, filed suit in the District Court of Maryland for Baltimore County against Michele Jannetty, an employee of Hartford Life and Accident Insurance Company ("Hartford"). She has removed this case to this court under ERISA, 29 USC § 1001 et seq., and filed a motion to dismiss. Mr. Phileston was sent appropriate notice but has not filed a response.

Mr. Phileston's complaint appears to relate to a claim for disability benefits. To the extent he attempts to state a claim for bad faith against Ms. Jannetty, it would be preempted. To the extent he seeks to sue Hartford for his benefits, he has not exhausted his administrative remedies. For these and other reasons set forth in the defendant's motion, this case must be dismissed.

Accordingly, it is hereby Ordered that:

1. the defendant's motion to dismiss (ECF No. 5) is **Granted**;
2. any claims against Michele Jannetty are Dismissed with prejudice;
3. any claims against Hartford are Dismissed without prejudice for failure to exhaust administrative remedies;
4. the Clerk shall CLOSE this case; and
5. the Clerk shall send copies of this Order to the plaintiff and counsel of record.

7/17/18
Date

CCB
Catherine C. Blake
United States District Judge